

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

James J. Tompsett

Respondent

Civil Citation No. 80809

2015 Inverton Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 11, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-305, 306, 307, failure to eliminate rat harborage under rear concrete pad; section 13-4-201 (b)(d), failure to store garbage in containers with tight fitting lids; section 13-7-401, 402 403, failure to cut all tall grass and weeds to a height of three inches or less on residential property known as 2015 Inverton Road, 21222.

On July 28, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jerry Chen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$500.00 (five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 13, 2010 for removal of trash and debris, remove tire, store garbage in cans with tight lids, cut and remove tall grass and weeds, eliminate rat harborage under rear concrete pad and seal holes. This Citation was issued on July 28, 2010.

B. Photographs in the file show garbage in cans without lids, and an old tire in the rear yard. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Photographs show rat holes next to the concrete pad in the rear. Notes in the file by Inspector Jerry Chen state that re-inspection prior to this Hearing found the violations corrected except for the rat holes and rat harborage.

C. The property owners have not responded to the County's notices and there is no evidence that Respondents have taken appropriate action to exterminate the rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by September 20, 2010, with appropriate action taken to exterminate the rats and the burrows closed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf